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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,283	03/01/2004	Kenneth M. Kiely	P-2464/CIP	9511
2120	7590	12/30/2004	EXAMINER	
PAUL A. FATTIBENE FATTIBENE & FATTIBENE 2480 POST ROAD SOUTHPORT, CT 06890			LUEBKE, RENEE S	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,283

Applicant(s)

KIELY

Examiner

Renee S. Luebke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152). |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The disclosure is objected to because of the following informalities:
 - On the last line of page 2, it appears that “to” should be -the-.
 - On line 5 of page 11, it appears that “illustration” should be -illustrated-.
 - Contrary to line 18 of page 11, shoulder 14 is not “innermost”.
 - On the last line of page 14, it appears that “11B” should be -11A-.
 - It is unclear how the leg portion 27B can be connected to the screw (page 15, lines 12-13) since the screw must rotate in relation to the leg.
 - On line 14 of page 17, it appears that “are” should be -is-.
 - The members 42A and 42B appear to be ribs (or something similar), not threads, as they appear neither continuous nor spiraled.
 - On line 20 of page 17, it appears that “that” should be deleted.
 - On line 4 of page 19, it appears that -and the- should be inserted after **base**.
 - Reference numeral 50A (page 19, line 17, etc.) is not found in the figures.Appropriate corrections are required.
2. Claims 2-12 are objected to because of the following informalities:
 - a. Claim 2 lacks antecedent basis for “said grooves” on line 15.
 - b. On line 2 of claim 6, it appears that -a- should be inserted after *including*.
 - c. On line 2 of claim 7, it appears that *thread* should be -threaded-.
 - d. On line 16 of claim 7 it appears that “the” should be deleted.
 - e. On lines 2 and 4 of claim 9 it appears that “having” should be -has-.
 - f. Claim 9 lacks antecedent basis for “the ring forming position” on the last line.
 - g. Claim 10 lacks antecedent basis for “the insertion” on lines 7-8.
 - h. On line 21 of claim 10 it appears that “longitudinally” should be changed to -longitudinal-.
 - i. On line 34 of claim 10 it appears that “engaging” should be -engages-.

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j. Claim 10 lacks antecedent basis for "the assembled position" on line 35 and "the groove" on line 41.

k. On line 43 of claim 10 it appears that -end- should be inserted after *inlet*.

l. Claim 12 appears to be missing punctuation at the end of line 3.

Appropriate corrections are required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fahnestock. This device comprises a body with an inlet portion (toward the left) and an outlet portion (toward the right); and shoulders 11, 12. A recess formed by shoulder 11 and the retainer ring 15 is defined between the shoulders and provides a relief space for the tangs 16. The tangs 16 are arranged and disposed as claimed. The claimed shoulders are merely required to be spaced apart and extending outwardly of the outlet portion. The shoulders 11, 12 of Fahnestock are seen to be spaced apart in Fig. 3. In addition, they form faces that are parallel to the radius and extend outwardly along that radius. The retainer ring is supported on the shoulders as claimed since it sits against shoulder 12 and cannot move beyond the shoulders.

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5. Claims 2, 3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Neil, et al. This device comprises a connector body having an inlet end with a flange and an outlet end, and a snap fit retainer ring 20. The retainer ring comprises tangs 22, 23 that project radially outwardly and dimples 50 that project inwardly. The dimples secure the ring on a threaded body (column 7, lines 20-25). In regard to claim 3, the tangs include a series 23 that include an edge portion of the ring, which is arcuately shaped (Fig. 7).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil in view of Tinnerman. The ring of O'Neil lacks a compound curvature on the tangs 23. However, Tinnerman shows this common alternative on tangs 11, which helps secure the ring against the box. In order to improve the securement of the connector of O'Neil to the box, it would have been obvious to include a tang shaped as taught by Tinnerman.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil in view of Gretz. The ring of O'Neil lacks a notch and tongue at the ends. However, Gretz shows this common alternative, which keeps the ends aligned. In order to assure alignment of the ring of O'Neil, it would have been obvious to include a tongue and notch as taught by Gretz.

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or

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patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 5 and 10-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 10/283978 in view of O'Neil. The connector assembly of applicants earlier claims includes a connector body and retainer ring that are similar to the present claims. The ring includes tangs as presently claimed. It lacks a threaded body and dimples on the ring. However, O'Neil teaches the use of the ring on a body with threads, thereby rendering it useful in a larger variety of situations. It therefore would have been obvious to include the dimples and threading taught by O'Neil on the device of the earlier application.

This is a provisional obviousness-type double patenting rejection.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reichert, et al. is a further example of a retainer ring having dimples to secure it to a threaded body.

11. Any response to this action may be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:
(703) 872-9306.

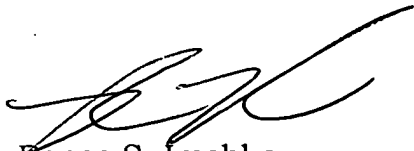
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.

A handwritten signature in black ink, appearing to be 'R. Luebke', written in a cursive style.

Renee S. Luebke
Primary Patent Examiner
December 23, 2004